

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number Q80016	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number 10/824,434		Filed April 15, 2004
	First Named Inventor Hyun-sik YOON		
	Art Unit 2173	Examiner Alvin H. Tan	
	WASHINGTON OFFICE 23373 CUSTOMER NUMBER		
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal			
The review is requested for the reasons(s) stated on the attached sheet(s).			
Note: No more than five (5) pages may be provided.			
<input checked="" type="checkbox"/> I am an attorney or agent of record.			
Registration number <u>61,124</u>		<u>/ S. Stuart Lee /</u> Signature	
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		<u>February 24, 2009</u> Date	

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q80016

Hyun-sik YOON, et al.

Appln. No.: 10/824,434

Group Art Unit: 2173

Confirmation No.: 6309

Examiner: Alvin H. Tan

Filed: April 15, 2004

For: **USER INTERFACE SUPPORT APPARATUS AND METHOD**

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated November 24, 2008 (hereinafter, the "Final Office Action"), Appellants file this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Claims 1-37 are all the claims pending in the application.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3, 5, 6, 22, 35, and 36 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Iverson (U.S. Patent No. 6,957,075) and Zancho (U.S. Patent No. 5,814,798). Claims 4, 8-16, 18-21, and 23-34 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Iverson, Zancho, and Dong *et al.* (U.S. Pub. No. 2002/0105543, hereinafter "Dong"). Claim 7 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Iverson, Zancho, and Nakajima (U.S. Patent No. 7,095,456). Claim 37 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Iverson, Zancho, and Miller *et al.* (U.S. Pub. No. 2003/0046557, hereinafter "Miller"). Claim 17 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Iverson, Dong, Zancho, and Nakajima.

For *at least* the following reasons, Appellants respectfully traverse the rejection.

Appellants respectfully submit that claim 1 is patentable over the proposed combination of Iverson and Zancho. For example, claim 1 relates to a user interface (UI) support apparatus. The UI support apparatus comprises, *inter alia*, a UI support module operable to store input/output modules as stored input/output modules, wherein the stored input/output modules are selected corresponding to conditions of respective users, in an input/output module storing unit. The UI support module is further operable to search the input/output module storing unit for a specific input/output module of one of the respective users, operable to execute the specific input/output module, and operable to support a UI meeting a condition of the one of the respective users. The UI support module comprises an input/output module selecting unit including a mapping of each of the respective users with corresponding at least one of the stored input/output module.

It was submitted in the Amendment filed August 25, 2008 (hereafter, “August 25th Amendment”) that the combined teachings of Iverson and Zancho do not teach or suggest a UI support module operable to search the input/output module storing unit for a specific input/output module of one of the respective users, wherein the UI support module comprises an input/output module selecting unit including a mapping of each of the respective users with corresponding at least one of the stored input/output modules as set forth in claim 1 (see August 25th Amendment, page 15, last paragraph to page 17, first full paragraph). For instance, Iverson discloses an electronic appliance 100 which dynamically selects one of a number of interfaces depending on the current location of the electronic appliance 100. Alternatively, a user may override the dynamically selected interface and select an interface manually. Therefore, Iverson discloses interfaces corresponding to a single user and does not disclose interfaces corresponding to multiple users. On the other hand, claim 1 recites that the stored input/output modules are selected corresponding to conditions of respective users.

In response, in the Final Office Action, the Examiner contends that “Iverson discloses that a user can define the personalities associated with a particular location ID [*column 7, lines 2-5*] and can also change and customize the dynamically selected personality by selecting an alternate personality [*column 7, lines 9-22*]. Since the appliance may be a portable computer [*column 3, lines 41-44*] it may have multiple users depending on its location (i.e. someone using the appliance at work and a home user) [*column 1, lines 53-60*]. There is no restriction on which user sets up the personalities and thus, multiple users would be able to customize the personalities based on a location” (Final Office Action, page 41, lines 4-11, emphasis in original). That is, the Examiner now interprets Iverson’s appliance to be programmed/customized for different personalities by multiple users based on the location of the appliance. Appellants submit that such an interpretation of Iverson, however, precludes its combination with Zancho.

In particular, the Examiner acknowledges that Iverson does not teach a mapping of each of the respective users with corresponding at least one of the stored input/output modules as required by claim 1 (Office Action, page 41, lines 11-13). The Examiner maintains that Zancho makes up for Iverson’s deficient teachings because Zancho teaches a donor device which allegedly stores preferences of multiple users, wherein the preferences are provided to an application device upon request (Final Office Action, page 41, lines 13-20). The Examiner contends that “[s]ince Iverson discloses the need for adjusting a user interface and perceived functionality based on location or user [*Iverson, column 2, lines 11-14*] and that the system is fully capable of allowing multiple users to customize the personalities, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a mapping of each of the respective users with corresponding at least one of the appliance personalities, as taught by Zancho....[to] allow preferences to be conveniently established for users of various devices” (Office Action, page 42, lines 4-10). Appellants disagreed in the previous Response filed January 14, 2009 for the following reasons.

As noted above, the Examiner is interpreting Iverson's appliance to be programmed/customized for different personalities by multiple users based on the location of the appliance (also see Final Office Action, page 42, last paragraph continuing to page 43). Even assuming *arguendo* that such is the case, Iverson explicitly discloses that the user (or in the Examiner's proposed scenario, the multiple users) of the appliance 100 manually modifies the personality which would alter the user interface and/or application set associated with the dynamically selected personality (Iverson, col. 7, lines 9-17). Zancho's alleged mapping could not be employed in this case since the mapping inherently requires a predetermined correspondence between the user and their respective preferences. Iverson's disclosed technique for providing a location based appliance personality does not allow for such a mapping since the dynamically selected personality (based on the location) is only changed when a user manually alters the personality. That is, the altered personality is never stored in Iverson with respect to the user, which precludes creation of any mapping between the user and the altered personality.

Moreover, in this case, if a skilled artisan were to draw from the cited teachings of Zancho and incorporate them into Iverson's technique, Zancho's donor device 1230 would necessarily predict preferences for the application device corresponding to the user since a pre-stored mapping between the user and the user's preferred 'personality' would not be available in Iverson (Zancho, col. 9, lines 56-64, and col. 10, line 64 to col. 11, line 4). Such a combination then would not lead to the claimed input/output module selecting unit which includes a mapping of each of the respective users with corresponding at least one of the stored input/output modules.

In the Advisory Action, the Examiner again incorrectly asserts that "[t]he preference information containing an appliance personality associated with a location would be mapped to the user that entered it. This would allow preferences to be conveniently established for users of various devices" (Advisory Action, page 2, last two lines). Appellants submit that this is inaccurate since as pointed out above, Iverson does not teach or suggest that the manually altered

personalities based on the location of the appliance are ever stored with respect to multiple users for future use. As such, Zancho's alleged mapping technique cannot be used with Iverson's manually altered personalities since the manually altered personalities are not stored in correspondence to respective users. At most, a manually altered personality is in correspondence with a single user in Zancho when that user alters a dynamically selected personality, but even this correspondence is not stored to provide the capability of future selection.

Accordingly, Appellants submit that claim 1 is patentable over the combined teachings of Iverson and Zancho.

Appellants further submit that the remaining independent claims 8, 13, 22, 28 and 30 are patentable for *at least* reasons similar to those submitted for claim 1, and the dependent claims are patentable *at least* by virtue of their dependencies.

Conclusion

In view of the above, Appellants respectfully request withdrawal of the improper 35 U.S.C. § 103(a) rejections of claim 1-37.

The USPTO is directed and authorized to charge any required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,
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